

38. (New). The process as claimed in claim 18, further comprising tetramethyl ethylenediamine as a polymerization accelerator in an amount between 1% to 4% of the monomer wherein the free radical initiator of a) is a persulphate, and the solvent of a) is water.

39. (New) The process as claimed in claim 18, wherein the polymerization is carried out at a temperature in the range of 50-90°C.

40. (New) The process as claimed in claim 39, wherein the polymerization is carried out at a temperature in the range of 50-70°C.

41. (New) The process as claimed in claim 18, wherein the polymeric absorbent is prepared in a water-alcohol mixture in the composition range of greater than 0 to 100 volume percent of alcohol.

42. (New) The process as claimed in claim 41, wherein the polymeric absorbent is prepared in a water-alcohol mixture in the composition range of greater than 0 to 75 volume percent of alcohol.

43. (New) The process as claimed in claim 18, wherein the one or more monomers have a concentration in the range of 5-50 wt. %.

44. (New) The process as claimed in claim 42, wherein the one or more monomers have a concentration in the range of 5-20 wt. %.

#### **Remarks**

The Office Action of May 29, 2001 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Claims 1-17 are pending in the application. Claims 1-17 were rejected. Claims 1-17 have been cancelled and replaced with new claims 18-44. Support for the new claims can be found in general throughout the specification. More specifically, support for claim 18 can be found on page 4, line 19 to page 5, line 2 and Example 3 on page

10 of the specification. Support for claim 19 can be found on page 5, lines 12-13 of the specification. Support for claim 20 can be found on page 5, lines 3-4 of the specification. Support for claim 21 can be found on page 5, lines 5-7 of the specification. Support for claim 22 can be found on page 5, lines 8-9 of the specification. Support for claim 23 can be found on page 5, lines 10-11 of the specification. Support for claims 24, 25, 26 and 27 can be found on page 5, line 14 to page 6, line 24 of the specification. Support for claims 28 and 29 can be found on page 6, lines 25-27 of the specification. Support for claims 30, 31 and 32 can be found on page 6, lines 28-33 of the specification. The cross linking agents defined in claim 30 have at least two unsaturations. Support for claims 33, 34 and 35 can be found on page 6, lines 34-36. Support for claim 36 can be found on page 7, lines 1-3 of the specification. Support for claim 37 can be found on page 7, lines 4-6. Support for claims 38- 44 can be found on page 7, lines 7-12.

The amendments to the claims are to expedite the prosecution by eliminating prolonged arguments over matters that are not of concern to our client regarding the patent application and are not directed to the patentability of the claims. They should therefore have no effect on the application of the doctrine of equivalents to the newly amended claims.

**Claim Rejections - 35 U.S.C. Section 112, first paragraph**

Claim 15 was rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for polymerization of monomer(s) by conventional methods, does not reasonably provide enablement for "polymerization of polymer gel".

Claim 15 has been cancelled. The phrase "polymerization of polymer gel" was an error and the present set of claims define the polymerization of the monomer.

**Claim Rejections - 35 U.S.C. Section 112, second paragraph**

Claims 8, 9, 12, 13, 15, 16, and 17 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claims the subject matter which Applicant regards as the invention. In particular, the Examiner states that the recited "preferably", "more preferably", "Most

preferably” as per claims 9, 12, 13, 15, 16 and 17 constitutes an indefinite subject matter and the language of claim 8, is indefinite because it uses an improper form of a Markush Group for component (1).

Claims 8, 9, 12, 13, 15, 16 and 17 were cancelled and replaced with claims 18-43. The new claims do not recite “preferably”, “more preferably”, and “most preferably” and the claims recite proper Markush groups.

The present set of claims are believe to be sufficiently definite to satisfy the dictates of 35 U.S.C. 112, second paragraph.

#### **Claim Rejection - 35 U.S.C. 102**

Claims 1-11 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Wesley et al. (U.S. Patent No. 5, 641, 890).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ.2d 1051, 1053 (Fed. Cir. 1987). The 35 U.S.C. 102(b) rejection is no longer applicable due to the amendment to claim 1 reciting the monomers comprising hydrophobic groups and hydrophilic groups in a ratio of 1.0:0.1.

The polymeric absorbant of the present invention is prepared *in situ* by polymerizing selected monomers which contain hydrophobic and hydrophilic functional groups. There is a need to have a proper balance between the hydrophobic and hydrophilic groups in order to achieve the advantages of the present invention. Wesley et al. describe a process of producing gelled solvents comprising a commercial polymer which is hydrophilic in nature and a rheological agent and does not teach polymerizing selected monomers which contain hydrophobic and hydrophilic functional groups. Therefore, the present invention is not anticipated by Wesley et al.

#### **Claim Rejection 35 U.S.C. 103(a)**

Claims 12-15 and 17 were rejected under 35 U.S.C. 103(a) as being

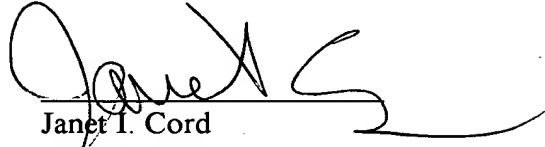
unpatentable over Wesley et al. (U.S. Patent No.: 5,641,890). The Examiner alleges that since Wesley et al. disclose the same process of making polymeric compositions gelled in alcohol as described in the present invention, it would have been obvious to use the specific amounts of monomers, initiators, and accelerator as described in the present invention. Applicants respectfully disagree.

Wesley et al. describe a process for the formation of a gelled solvent that contains a base neutralized anionic polymer and an auxiliary rheological additive with the balance being at least one solvent, see col. 2, lines 39-51. Illustrative neutralized anionic polymers contemplated within the scope of Wesley et al. include Carbopols, which are polymer products sold by B.F. Goodrich, see col. 6, lines 1-5. A suitable auxiliary rheological additive is a colloidal thickener and is preferably an amphoteric metal oxide such as aluminum oxide.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 490 F.2d 981, USPQ 580 (CCPA 1974). The process of the present invention produces a polymeric absorbent that does not require any other gelling agents or thickening agents besides the polymer itself. This improves the burning characteristics thus yielding an improved gel. Wesley et al. do not teach or suggest preparing an polymeric absorbant *in situ* by polymerizing selected monomers which contain hydrophobic and hydrophilic functional groups. The polymer described in Wesley et al. is already prepared and then reacted with a rheological additive, which increases the viscosity of the gelled solvent. Therefore, one skilled in the art would not look to the teachings of Wesley et al. to make and use the polymeric absorbents described in the present invention.

In light of the above, Applicants submit that all rejections and objections of record have been overcome. Applicants accordingly submit that the application is now in condition for allowance and respectfully request action in accordance therewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janet I. Cord', written over a horizontal line.

Janet I. Cord

LADAS & PARRY

26 West 61<sup>st</sup> Street

New York, NY 10023

Reg. No. 33778 (212) 708-1935